

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SECOND AMENDED JUDGMENT IN A CIVIL CASE

**JAMES L. ALEXANDER; ALEXANDER & CATALANO LLC; and PUBLIC CITIZEN,
INC.**

VS.

CASE NUMBER: 5:07-CV-117 (FJS/GHL)

THOMAS J. CAHILL, in his official capacity as Chief Counsel for the Departmental disciplinary Committee for the Appellate Division of the New York State Court of Appeals, First Department; DIANA MAXFIELD KEARSE, in her official capacity as Chief Counsel for the Second and Eleventh Judicial District Grievance Committee; GARY L. CASELLA, in his official capacity as Chief Counsel for the Ninth Judicial District Grievance Committee; RITA E. ADLER, in her official capacity as Chief Counsel for the Tenth Judicial District Grievance Committee; MARK S. OCHS, in his official capacity as Chief Attorney for the Committee on Professional Standards for the Appellate Division of the New York Court of Appeals, Third Department; ANTHONY J. GIGLIOTTI, in his official capacity as acting Chief Counsel for the Fifth Judicial District Grievance Committee; DANIEL A. DRAKE, in his official capacity as acting Chief Counsel for the Seventh Judicial District Grievance Committee; and VINCENT L. SCARSELLA, in his official capacity as acting Chief Counsel for the Eighth Judicial District Grievance Committee

Decision by Court. This action came to hearing before the Court.

The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That Plaintiffs' Motion for Permanent Injunction is granted. Plaintiffs' request for declaration that Rule 7.1(c)(1),(5),(7),(g)(1), and (c)(3), to the extent that it prohibits the "portrayal of a judge" of the New York Rules of Professional Conduct is unconstitutional, based on the current record is granted. Defendants are hereby enjoined from enforcing amendments to Rule 7.1(c)(1),(5),(7),(g)(1), and (c)(3), to the extent that it prohibits the "portrayal of a judge" of the New York Rules of Professional Conduct, which took effect on February 1, 2007.

That the Court grants in part and denies in part Plaintiffs' motion for summary judgment (granted for Plaintiffs' on Plaintiffs' claims concerning Rule 7.1(c)(1),(5),(7),(g)(1),(c)(3), to the extent that it prohibits the "portrayal of a judge" of the New York Rules of Professional Conduct); and further grants in part and denies in part Defendants' motion for summary judgment (granted for defendants' on Plaintiffs' claims concerning Rules 7.5(e), 7.3(e), 4.5(a), and 7.1(c)(3) of the New York Rules of Professional Conduct, except as provided above, and Plaintiffs' claims concerning the amended rules' applicability to non-commercial communications).

That Plaintiffs' motion for attorney fees is granted in the amount of \$13,335.00 and \$1,060.17 in costs.

All of the above pursuant to the Orders of the Honorable Senior Judge Frederick J. Scullin, Jr., dated 7/23/2007, 3/30/2009 and 2/4/2011.

DATED: February 7, 2011



Lawrence H. Baum
Clerk of Court

s/

Joanne Bleskoski
Deputy Clerk